

REMARKS

Applicant acknowledges with appreciation the Examiner's consideration of the information disclosure statement ("IDS") filed concurrently with the application, and the return of a signed copy of the PTO-1449 form attached thereto. The Examiner crossed out, however, one of the references listed on the PTO-1449 form, JP 2000-196664. Applicant's undersigned representative, Mr. Dexter Chang (Reg. No. 44,071), contacted the Examiner by telephone on January 19, 2006 and confirmed that the Examiner has located the reference. The Examiner further confirmed that he will consider the reference and issue an updated PTO-1449 form.

Claims 1-5 pending in the application stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,904,017 to Meempat et al. Applicant respectfully traverses the rejection.

Meempat et al. describe a system for centrally controlling call admissions and balancing the load of a VoIP network. The Examiner relied upon description of a call setup based on received bandwidth requirements and the available bandwidth between two media gateways 24 and 24' as alleged disclosure of the claimed invention. Please see, e.g., Fig. 1 and col. 5, line 23 to col. 6, line 36 of Meempat et al.

Meempat et al. fail to disclose the claimed invention in that the technique described therein only includes dynamically selecting from the network 40 a pair of forward and backward paths between a source gateway and a destination gateway having the minimum cost each time an admission request (a request for connecting a new call) is received. Furthermore, Meempat et al. merely describe a threshold value as an evaluation criterion for the cost data associated with selected paths that is not used to keep track of utilizing a maximum amount of traffic permitted for a particular route. As such, Meempat et al. do not disclose

“a determination unit determining, in response to a request for connecting a new call to the predetermined route, whether the request is accepted or rejected based on a result of comparison of the detected state of communications and a maximum amount of traffic of packets permitted for the predetermined route,” as recited in claim 1. (Emphasis added)

The claimed invention provides for a call managing unit that detects a current state of communications in a predetermined route on an IP network. A determination unit determines, in response to a request for connecting a new call to the predetermined route, whether the request is accepted or rejected based on a result of comparison of the detected state of communications and a maximum amount of traffic of packets permitted for the predetermined route. The current state of communications, detected by the call managing unit, may include the number of current connections in the predetermined route and a bandwidth allocated for the predetermined route. The claimed invention, therefore, provides for call control functionality that is suited to a current state of communications in a predetermined route on an IP network, thus providing for efficient utilization of the channels for the predetermined route on the network. Applicant refers to page 7, line 29 to page 9, line 13 of the specification and Fig. 2 of the application for an exemplary embodiment of the claimed feature “predetermined route.”

Accordingly, Applicant respectfully submits that claim 1, together with claim 2 dependent therefrom, is patentable over Meempat et al. for at least the above-stated reasons. Claims 3 and 4 incorporate features that correspond to those of claim 1 cited above, and are, therefore, together with claim 5 dependent from claim 4, patentable over Meempat et al. for at least the same reasons.

The above statements on the disclosure in the cited reference represent the present opinions of the undersigned attorney. The Examiner is respectfully requested to specifically

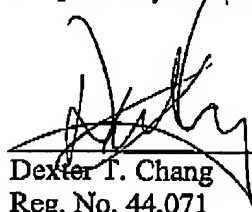
indicate those portions of the reference that provide the basis for a view contrary to any of the above-stated opinions.

Applicant appreciates the Examiner's implicit finding that the additional references made of record, but not applied, do not render the claims of the present application unpatentable, whether these references are considered alone or in combination with others.

In view of the remarks set forth above, this application is in condition for allowance which action is respectfully requested. However, if for any reason the Examiner should consider this application not to be in condition for allowance, the Examiner is respectfully requested to telephone the undersigned attorney at the number listed below prior to issuing a further Action.

Any fee due with this paper may be charged to Deposit Account No. 50-1290.

Respectfully submitted,



Dexter T. Chang
Reg. No. 44,071

CUSTOMER NUMBER 026304
Telephone: (212) 940-6384
Fax: (212) 940-8986 or 8987
Docket No.: 100794-00121 (FUJI 19.311)
DTC:bf